IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	NITED STATES OF AMERICA	0.0000040	
	Plaintiff,	8:09CR313	
	vs.) DETENTION ORDER	
LU	IIS IBARRA-PENUELAS,		
	Defendant.	}	
A.	Order For Detention After waiving a detention hearing pursuant Act on September 1, 2009, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reformers the above-named defendant detained	
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 		
C.	distribute heroin (Count possession with intent to cure U.S.C. § 841(a)(1) each imprisonment and a max (b) The offense is a crime of (c) The offense involves a nax	and includes the following: e offense charged: y to distribute and possess with intent to l) in violation of 21 U.S.C. § 846 and the distribute heroin (Count II) in violation of 21 carry a minimum sentence of ten years imum of life imprisonment. violence.	
	may affect wheth X The defendant h X The defendant h X The defendant is X The defendant of ties. Past conduct of The defendant h The defendant court proceeding	appears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. anot a long time resident of the community. does not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at	

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(c)	Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation. X The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment.	
In dete on the which <u>X</u> (a)	table Presumptions ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

weapon or device).

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 1, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge